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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/603,868

06/26/2003

Michael D. Senger

FS-00802

1430

7055 7590 07/13/2007
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EXAMINER

CZEKAJ, DAVID J

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

07/13/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
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Office Action Summary	Application No. 10/603,868	Applicant(s) SENGER, MICHAEL D.	
	Examiner Dave Czekaj	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10 and 14-20 is/are rejected.
- 7) ☒ Claim(s) 6-9 and 11-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

On pages 9-12, applicant argues that Rosenbaum fails to disclose determining whether an estimated time exceeds a threshold. While the applicant's points are understood, the examiner respectfully disagrees. See for example Rosenbaum column 4, lines 20-25. There Rosenbaum discloses that a video scanner processes mail at a rate of 10 pieces per second. In order to prevent a backlog of mail pieces, a time comparison must be present in order to correctly sort the mail. Therefore the rejection has been maintained.

Applicant's arguments with respect to the rejection(s) of claim(s) 5 and 20 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as indicated below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4, 10, and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenbaum et al. (6917009), (hereinafter referred to as "Rosenbaum").

Regarding claims 1 and 15, Rosenbaum discloses an apparatus that relates to the field of mail processing (Rosenbaum: column 1, lines 14-16). This apparatus comprises "sending image data for unresolved information to a video coding station" (Rosenbaum: column 4, lines 54-56; column 5, lines 7-22, wherein the unresolved information is the rejected mail pieces). Although Rosenbaum fails to disclose determining if an estimated time exceeds a threshold, Rosenbaum does disclose processing mail at a rate of 10 pieces per second (Rosenbaum: column 4, lines 22-24). Rosenbaum further illustrates sending rejected mail to a holding bin after 3 processing steps (Rosenbaum: figure 3, wherein the processing steps comprise items 304, 306, and 308). The examiner notes that in order to keep the system processing mail at a rate of 10 pieces per second, a time comparison with a threshold must be present and set to about 0.1 seconds per mail piece. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the time comparison with a threshold in order to prevent the system from creating a huge backlog of uncoded mail pieces.

Regarding claims 2 and 16, Rosenbaum discloses "sending image data to a video coding buffer before the data is sent to the coding station" (Rosenbaum: column 5, lines 7-9, wherein the buffer is the database which is divided into sections).

Regarding claims 3-4 and 17-18, Rosenbaum discloses "determining whether the video coding station is busy and sending image data to the coding

buffer is the station is not busy" (Rosenbaum: column 5, lines 7-23, wherein checking whether the station is busy is checking the priority and availability of the stations. Stations which are busy will not have the image data sent to the corresponding section of the database).

Regarding claims 10 and 19, note the examiners rejection for claim 1, and in addition Rosenbaum discloses "sending image data to a wait queue until a determined release event or timeout occurs" (Rosenbaum: figure 3, column 6, lines 40-45, wherein the wait queue is the holding; column 6, lines 45-55, wherein the release event or timeout is if another method was successful, the image is removed from holding) and "sending information from the wait queue to the buffer if a release event occurs" (Rosenbaum: figure 3, column 6, lines 50-57, wherein the release event is other methods not being successful resulting in the image being transferred from holding to the particular section of the database).

Regarding claim 14, Rosenbaum discloses "the article is mail pieces" (Rosenbaum: column 5, lines 7-8).

2. Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenbaum et al. (6917009), (hereinafter referred to as "Rosenbaum") in view of Mauduley et al. (5043908), (hereinafter referred to as "Mauduley").

Regarding claims 5 and 20, note the examiners rejection for claim 1, and in addition, claims 5 and 20 differ from claim 1 in that claims 5 and 20 further require the estimated time to be a weighted average response time. Mauduley

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teaches that there is a need in the prior art for a system that provides up-to-date information for mail pieces (Mauduley: column 2, lines 5-10). To help alleviate this problem, Mauduley discloses "calculating an average response time" (Mauduley: column 2, lines 29-31). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the processing taught by Mauduley in order to provide up-to-date information regarding mail pieces.

Allowable Subject Matter

Claims 6-9 and 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (571) 272-7327. The examiner can normally be reached on Mon-Thurs and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DJC

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TC 2600